

United States District Court

EASTERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA

OCT - 5 2005

V.

**ORDER SETTING CONDITIONS
OF RELEASE**
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

J. ENCARNACION Lopez Dropeza Case Number: 05' 05 MJ 00078 TAG
Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence

imposed as directed. The defendant shall appear at (if blank, to be notified U.S. DISTRICT COURT
1130 O Street, Fresno on 10/14/05 at 10:30 a.m.
Before Magistrate Judge Beck
Place Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

(Def. is ordered to appear)

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

(X) (6) The defendant is placed in the custody of:

Name of person or organization Josephina Mendoza

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED: Josephina Omenclaya
CUSTODIAN OR PROXY

- (X) (7) The defendant shall:
- (X) (a) maintain or actively seek employment, and provide proof thereof to the PSO upon request.
 - () (b) maintain or commence an educational program.
 - (X) (c) abide by the following restrictions on his personal associations, place of abode, or travel:
Reside at a residence approved by Pretrial Services, and not move or be absent from this residence for more than 24 hrs. without prior approval of PSO; travel restricted to the Eastern District of California, unless otherwise approved in advance by PSO.
 - (X) (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
any defendants in this case or any related case unless there is a familial relationship, or unless in the presence of counsel or otherwise approved in advance by the PSO.
 - (X) (e) report on a regular basis to the following agency:
Pretrial Services and comply with their rules and regulations.
 - (X) (f) not use or possess a computer in your residence or at any other location unless otherwise approved by the PSO.
 - (X) (g) not possess any identification documents other than your own.
 - (X) (h) not possess any devices or other items that may be connected with the unlawful creation of false identification documents, including computers, printers, scanners, laminating machines, digital cameras, or official looking seals, or insignia of any agency of the United States government.
 - (X) (i) submit to the search of your person, property, residence, and vehicle by the Pretrial Services Officer, and any other law enforcement officer under the immediate and personal supervision of the Pretrial Services Officer, without a search warrant.
 - (X) (j) execute a bond or an agreement to forfeit upon failing to appear or failure to abide by any of the conditions of release, the following sum of money or designated property: \$50,000 unsecured appearance bond signed by Josephina Mendoza, to be replaced by a \$50,000 property bond, secured by equity in property owned by J. Encarnacion & Maria Oropeza.
 - () (k) post with the court the following indicia or ownership of the above-described property, or the following amount or percentage of the above-described money:
 - () (l) execute a bail bond with solvent sureties in the amount of \$
 - () (m) return to custody each (week)day as of o'clock after being released each (week)day as of o'clock for employment, schooling, or the following limited purpose(s):
 - (X) (n) surrender your Mexican matricula to the Clerk of the U. S. District Court.
 - (X) (o) you shall not possess a firearm, destructive device, or other dangerous weapon.
 - (X) (p) report in person to the Pretrial Services Agency on the first working day following your release from custody.
 - () (q) you shall submit to drug and/or alcohol testing as directed by PSO.
 - () (r) you shall report any prescriptions to PSO within 48 hours of receipt.
 - () (s) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system.
 - () (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the Pretrial Services office or supervising officer; or
 - () (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the Pretrial Services office or supervising officer; or
 - () (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the Pretrial Services office or supervision officer.

TO THE DEFENDANT:

BY A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;

(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;

(3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;

(4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

X *Encarnacion Oropza*
Signature of Defendant

[Wavy line]
Address

[Wavy line]
City and State Telephone

(/) The defendant is ORDERED released after processing.

() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date:

10/5/2005

Signature of Judicial Officer

Name and Title of Judicial Officer